

# The Gazette of India

EXTRAORDINARY  
PART I—Section 1  
PUBLISHED BY AUTHORITY

---

No. 436] NEW DELHI, WEDNESDAY, OCTOBER 22, 1952

---

ELECTION COMMISSION, INDIA

NOTIFICATION

Vellore, the 13th October 1952

No. 19/170/52-Elec. III.—In pursuance of the provisions of Sub-Section (1) of section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following election petition presented under section 81 thereof is published for information.

M. ANANTANARAYANAN,  
*Chairman, Election Tribunal, Vellore.*

ELECTION PETITION No. 170/1952

Presented to me this the twenty first day of April 1952 by Sri Mohan Vithal Raj, the petitioner.

P. S. SUBRAMANIAN,  
21-4-52.  
*Secretary, Election Commission.*

IN THE MATTER OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

In the Matter of the Representation of the People Conduct of Election and Election Petition Rules 1951

BEFORE THE ELECTION COMMISSION, NEW DELHI

Mohan Vithal Raj, son of late Dr. Anand Kumar Raj, aged 41 years of Bombay, residing at 47, Lakshmi Building, Sir Pherozeshah Mehta Road, Fort, Bombay ... .. *Petitioner*

*Versus*

1. M. V. Gangadhara Siva, son of Madras Varadharajulu, aged 53 years of Rayachoti, residing at Rayachoti, Cuddapa District.
2. K. Nanjappa, son of Nanjappa, aged 28 years of Punganur, residing at Punganur, Chittoor District.
3. T. N. Vishwanatha Reddy, residing at Madanapalle, Chittoor District.
4. D. Khader Khan, residing at Gurumkonda, Chittoor District.
5. C. L. Narsimha Reddy, residing at Cuddapa, Cuddapa District.
6. R. Narsimha Reddy, residing at Madanapalle, Chittoor District.
7. T. Shanker Reddy, residing at Rompecherla, Chittoor District..... *Respondents*

## THE HUMBLE PETITION OF THE PETITIONER ABOVENAMED RESPECTFULLY SHEWETH

The Petitioner is one of the candidates for election to the House of the People, his name being included in the Electoral Roll in Bombay and therefore he is an eligible candidate for election to the House of the People from the Chittoor Constituency. The Petitioner's nomination was accepted on the 21st day of November 1951, for election to the Reserved seat of the Chittoor Constituency for the House of the People. The Respondents are the other candidates contesting the election for the House of the People from the same Chittoor Constituency. The Chittoor Parliamentary Constituency is a plural-member Constituency at which two seats are to be filled in of which one is a Reserved seat for the Scheduled Castes.

2. That the Returning Officer scrutinised the nomination papers submitted by the Petitioner and the Respondents on 28th day of November 1951. The Petitioner took objection to the nomination papers of Respondents No. 1 and 2 on the ground that the Respondents No. 1 and 2's nomination papers did not declare the names of their respective election agents as required by Section 33 (3) of the Representation of the People Act 1951. The Petitioner further objected to the validity of the said nomination papers of the said Respondents No. 1 and 2 on the ground that under Section 36 (2) (d) of the R of the People Act 1951, the failure on the part of the said Respondents to declare the names of the Election Agents on the nomination papers constitutes a breach of the provisions of Section 33 (3) of the said Act and that hence the nomination papers are *ex facie* bad and invalid in law and ought to be rejected as such.

3. The Petitioner says that the Respondent No. 1 filed three nomination papers while the Respondent No. 2 filed two nomination papers. All the aforesaid nomination papers did not contain the names of the Election Agents as required by the Provisions of the Representation of the People Act 1951 as aforesaid. The Petitioner's objection to the validity of the Respondents' nomination papers before the Returning Officer at the time of the scrutiny of the nomination papers on the ground that they had been filed in contravention of law, was illegally overruled by the Returning Officer who held that the nomination papers were in proper form and accepted the said nomination papers as valid. A copy of the said order dated 28th day of November 1951 overruling the Petitioner's objection and holding the nomination papers of the Respondents No. 1 and 2 valid is heretofore annexed and marked A. The Petitioner submits that the aforesaid nomination papers of the Respondents are invalid and void in law and that it was incumbent on the Returning Officer to reject the same as such. The Petitioner further says that the Returning Officer illegally held the said nomination papers valid although they were filed in contravention of the Provisions of law and did not conform to the Provisions of law as aforesaid. The Petitioner further says that the Respondents No. 1 and 2 failed to name themselves as Election Agents according to law and that hence the said nomination papers have, for that reason been rendered invalid and void. The order of the Returning Officer is against law and manifestly unjust.

4. The Petitioner submits that the purported order of the Returning Officer dated 28th November 1951 accepting the nomination papers of the Respondents 1 and 2 is *ex facie* bad, manifestly unjust, *ultra vires*, and inoperative in law also on the following other grounds:

- (a) That the Returning Officer's purported order holding nomination papers of the Respondents 1 and 2 valid contravenes the express Provision of law, viz., Section 36 (2) (d) read with Section 33 (3) of the Representation of the People Act 1951.
- (b) That the said purported order of the Returning Officer is wholly erroneous and untenable because it holds that the description as 'myself' instead of specifying the Election Agent by name by the Respondents in the nomination papers submitted by them is sufficient compliance with the express provisions of law.
- (c) That the order holding the nomination papers of the Respondents valid, was made against law, equity and the principles of natural justice and that the same is manifestly unjust, hard oppressive, and capricious.
- (d) The reasons given in the order of the Returning Officer rejecting the objection to the nomination of the Respondents 1 and 2 and in accepting their said nomination papers as valid, are not reasons which in law justified the said order being made.

- (e) The Returning Officer failed to hear and determine the question of the validity of the nomination papers of the Respondents 1 and 2 according to law and act judicially in determining that they were valid.
- (f) The Returning Officer, purporting to determine the validity of the nomination papers of the Respondents Nos. 1 and 2 on the objection preferred by the Petitioner failed to exercise the discretion vested in him under the Provisions of the People's Representation Act and the Rules made thereunder. The discretion so exercised was manifestly against law.
- (g) The Returning Officer purporting to determine the validity of the said nomination papers of the said Respondents Nos. 1 and 2 was actuated by extraneous considerations such as the presence of highly placed Congress leaders and officials who appeared before the Returning Officer on behalf of the Respondent No. 1 and prevented the Petitioner being properly and effectively heard.
- (h) That because there was a denial of the Petitioner of Natural Justice the Petitioner had been obliged to stand for election against the aforesaid invalidly nominated candidates.

5. The Petitioner further submits that the result of the election has also been materially affected by the improper acceptance of the nomination of the respondents 1 and 2 within the meaning of Section 100 (c) of the Representation of the People Act 1951 in the circumstances hereinabove set out, and that hence the election held in the Constituency should be declared wholly void. The Petitioner further submits that if there was no improper acceptance of the nomination of the Respondents 1 and 2 as aforesaid, the Petitioner would have been declared elected to the Reserved seat from the Chittoor Constituency to the House of the People, there being no other validly nominated candidates, as one B. Siddhaya, and D. Periyaya the other nominated Scheduled Castes candidates having withdrawn from elections before the withdrawal time.

6. That the election was held on 25th day of January 1952, and the result of the election was declared on the 11th February, 1952, and the Respondent No. 1 was declared elected to the Reserved seat and Respondent No. 3 was declared elected to the General seat. The Petitioner and the other Respondents were declared to have been defeated at the election. The number of votes secured by the Petitioner and the Respondents as given at the said results are as follows:

Petitioner	40,342
Respondent No. 1	1,51,082
Respondent No. 2	1,19,412
Respondent No. 3	1,61,590
Respondent No. 4	58,351
Respondent No. 5	99,400
Respondent No. 6	95,097
Respondent No. 7	63,420

7. The Petitioner submits that the order of the Returning Officer upholding as valid the nomination papers of the Respondents as aforesaid deprived the Petitioner of the fundamental rights to stand for election and to represent his Constituency as a Schedule Caste representative for the Parliament (i.e. House of the People) besides taking away the rights of the Petitioner under Part III of the Constitution of India to exercise his right to represent the Schedule Castes of the said Constituency as guaranteed by the Constitution of India.

8. The Petitioner says that the election has not been a free election by reason that the election of the Respondents No. 1 and 3 has been procured or induced by corrupt or illegal practice within the meaning of Section 100 of the Representation of the People Act, 1951, as per submissions made hereunder. The Petitioner says that the election of the returned candidates has been procured by the improper reception of votes and or by the reception of votes which are void and by non-compliance with the Provisions of the Constitution and of the Representation of the People Act and the Rules and Orders made under the Act as shown below:

- (a) In violation of the Rules, the Polling Officers in the Constituency gave two ballot papers to the voters to be kept in each hand and advised or exhorted the said voters to drop each one in each of the two boxes kept side by side bearing the Symbol of the "Bulls". The Petitioner says that this device was adopted by the Polling Officers to misguide

and influence the voters and to instruct them to cast both the votes in the boxes assigned to Congress candidates which were deliberately kept side by side in each one of 581 Polling Stations of the said Chittoor Parliamentary Constituency in order to induce the voters into casting both votes in favour of the Congress Party candidates.

- (b) Due to the aforesaid and herein stated arrangement of the ballot boxes which was unauthorised, illegal and deliberate, the ignorant and inexperienced voters cast their ballot papers in Congress and Krishak Lok Party boxes. In every one of the Polling Stations, the boxes of the Petitioner were kept in a corner although according to the alphabetical order they should have been kept before the Respondent No. 3's (T. N. Vishwanatha Reddy's, the Congress candidate contesting General seat. The Petitioner says that as a result of this deliberate device adopted the illiterate voters had no chance of locating the boxes of the Petitioner immediately on entry into the Polling Booths. The Petitioner further submit that the order in which the boxes were kept ignored deliberately the alphabetical order of the names of the candidates and thereby contravened the Provisions of Rule 10 of the Representation of the People (Conduct of Elections and Election Petitions) Rules 1951, hereinafter called the Rules.
- (c) The Petitioner's name was wrongly listed as Rajamohan Vithal, and as Mohan V. Raj, by which name he was made known in all printed literature published or issued by the Returning Officer. The Petitioner was thereby placed in a very unfavourable position and voters were misled into believing that the Petitioner's name was not in the list and that the person shown as Rajamohan Vithal was not the same as the Petitioner. The Petitioner says that this wrong listing made a false impression on the voters and had interfered with the free exercise of the franchise by the voters whilst giving an unfair and unjustifiable advantage to the rival candidates by the creation of confusion in the minds of the voters as to the Petitioner's identity. The Petitioner further submits that several votes which would or ought to have in the usual course been cast in the Petitioner's boxes were lost to the Petitioner by being thrown in the boxes of the Respondents.
- (d) In violation of the express Provisions of Section 63 (1) of the Representation of the People Act which governs the method of voting in a plural-member Constituency, the electors or voters were induced by the Respondents falsely to give both the votes to one candidate. The Petitioner says by this unjustifiable, unfair and fraudulent device no less than 91,049 votes became useless and worthless at the said election and were rejected as such. The Petitioner further says that as a very large number of votes had become wasted in the aforesaid manner the entire election has been vitiated and should be declared void.
- (e) That the entire election has been vitiated and has been rendered void by reasons of the corrupt practices at the election within the meaning of Sections 123 (2), 123 (8), and 124 (5) whereby there has been no free election in the circumstances mentioned above.

9. The Petitioner submits that it is necessary in the interest of justice and equity and it is consonant to right and justice that an Election Tribunal be appointed and that the election of the Respondent No. 1 be quashed and set aside as the result of the election has been materially affected as hereinabove stated.

10. Your Petitioner has deposited Rs. 1,000 in the Reserve Bank of India in favour of the Secretary to the Election Commission as security for costs of the Petitioner as required by Section 120 of the Representation of the People Act, 1951. The receipt showing that the said amount has been deposited is enclosed herewith.

11. That the Petitioner is being presented within the time laid down by the Rules from 12th February, 1952, that being the date of publication of the result of election of the Respondents No. 1 and 3 in the Official Gazette.

12. Your Petitioner prays for the appointment of an Election Tribunal and further prays:

- (a) that the said election to the House of the People for the Chittoor Constituency held on 25th day of January, 1952, be declared void;
- (b) that it may be declared that the election of the Respondents No. 1 and 3, to the House of the People from the Chittoor Constituency is void, invalid, and inoperative in law;
- (c) that in the alternative on the nomination of Respondent No. 1 being held invalid, void, and inoperative the Petitioner be himself declared Elected to the Reserved seat;
- (d) that the Petitioner's cost of this petition be provided for;
- (e) that the Petitioner may have such further and other reliefs as the nature of the case may require, and for the purpose aforesaid all such orders may be passed and all directions given, as may be deemed necessary and proper.

Petition drawn by Shri N. C. N. Acharya, Advocate,  
Supreme Court of India, and Advocate O.S., High  
Court, Bombay.

and  
Settled by Shri M. M. Gharekhan, Advocate, Supreme  
Court of India, and Advocate O.S., High Court,  
Bombay.

(Sd.) Mohan Raj

I, Mohan V. Raj, son of late Dr. Anand Kumar Raj, of Bombay, inhabitant residing at 47, Lakshmi Building, Sir Pherozeshah Mehta Road, Fort, Bombay solemnly declare that what is stated in paras 1, 2, 3, 4, 5, 6, 7, 8, of the foregoing petition is true to my own knowledge and that what is stated in the remaining paras is stated on information and belief and I believe the same to be true.

Solemnly declared at Bombay,  
aforesaid 9th day of April, 1952.  
(Sd.) MOHAN RAJ.

Before me.

Identified by me.

(Sd.) Illegible

Registrar and Presidency Magistrate  
Bombay.

(Sd.) Illegible Public Prosecutor.

"A"

## PROCEEDINGS OF THE COLLECTOR, CHITTOOR

### SCHEDULE 11

#### Nomination Paper

#### Rule 4.

Mr. M. S. S. Ragavan on behalf of Mr. Raj Mohan Vithal objects to the admission of the nomination papers of Mr. Gangadhara Siva on the ground that by failing to note the father's name and other particulars like age etc., in the declaration under the appointment of an election agent, Mr. Siva has violated the provisions of S. 40 of the R. P. Act, 1951.

Mr. Gangadhara Siva has appointed himself as his election agent and in doing so has struck out the top of line which should be filled in only in case some person other than the candidate is appointed as the election agent. Mr. Raghavan's contention is that that was not sufficient and that Mr. Siva should have described himself as the son of so and so of a certain place. By declaring himself as his own agent, Mr. Siva has furnished the necessary information as columns 1, 2 and 3 describe him very clearly.

There is no substance in the objection, it is not tenable and is over ruled.

(Sd.) C. RAMACHANDRAN, Collector & R.O

28-11-1951.

True Copy

(Sd.) V. B. VEDAPURI MUDALIAR, B.A.,

Treasury Deputy Collector.

Seal Impression.

Application No. 288/51.

Copied by: T. Seshayya

Stamp Paper called for 28-11-

Compared by: M. Subhan Khan

Stamp produced 1-12-

No. of words: 412.

Copy ready 3-12-

Correction: three.

Copy sealed-delivered 4-12-

### PARTICULARS OF CORRUPT PRACTICES

Name of the Parties	Date	Time	Place
1. Assistant Presiding Officer, Government Peon, Clerk and Congress Party Agent.	25-1-52	10 A. M.	Polling Station No. 452 B. Z. School, Ladies Booth 12th Ward, Chhittoor.

With T. Shankar Reddy, c/o The Returning Officer, Parliamentary Constituency, Chittoor, as witness, I lodged a written protest with the Presiding Officer, Polling Station No. 452, with personal intimation to the Assistant Returning Officer, Mr. R. Ramamurthy, B.A., to the effect: that the parties mentioned above openly canvassed votes in favour of Congress candidates and in violation of the Provisions of Free Election.

Name of the Parties	Date	Time	Place
2. Congress Party Agent, Government Clerk, and Peon, and Party Messenger.	25-1-52	3-30 P. M.	Polling Station No: 481 Booth No: 1, Yadumari, Chittoor Taluk.

With W. K. Ranganadha Mudaliar, Retired Vaccinator, 443/8 Shashapiran Street, Chittoor, as witness, I lodged a written protest with the Presiding Officer, Polling Station No. 481, to the effect: that in violation of Sections 123(2), 123 (8) and 124 (5) of the Representation of the People Act, 1951, the parties mentioned above openly interfered with the Provisions of a Fair and Free Election, and in favour of Congress Party Candidates.

Name of the Parties	Date	Time	Place
3. Congress Party Agent, Government Polling Officer, and Peon.	25-1-52	...	Polling Station No. 551, Booth No. 1, Sokadabaka, Palamner Taluk.

In the above Station, the Petitioner's Ballot Box slit was completely closed with the result that not one ballot paper was found in the box. At the time of

Counting at Chittoor Centre, I pointed out and protested to the Assistant Returning Officer, Mr. R. Ramamurthy, B.A., who merely winked and kept silent.

Name of the Parties	Date	Time	Place
4. Returning Officer, Parliamentary Consty., Chittoor.	27-12-51	...	His letter No : Ref R. 1. 27496/51 dated December 27, 1951.

Vide my registered a/d letter, dated December 22, 1951, I drew the attention of the Returning Officer to correct the error in announcing my proper name. Vide his reply quoted above, he says: "the justification to issue an erratum to your name as it appears in the *Hindu* of 5th and 8th is not therefore obvious". Consequently, in all the printed literature published by the Returning Officer, my name appears wrongly as Rajamohan Vithal, and or as R. M. Vithal.

I, Mohan V. Raj, son of late Dr. Anand Kumar Raj, of Bombay, inhabitant residing at 47, Lakshmi Building, Sir Pherozeshah Menta Road, Fort, Bombay, solemnly declare that what is stated in paras 1, 2, & 4 of the foregoing statement is true to my own knowledge, and that what is stated in para 3, is stated on information and belief and I believe the same to be true.

Solemnly declared at Bombay,  
aforesaid 1st day of July 1952.

(Sd.) MOHAN RAJ.

Before me.

(Sd.) Not legible,

Registrar and Presidency Magistrate, Bombay.  
True Copy.

M. ANANTANARAYANAN,  
Chairman, Election Tribunal.

Notice is hereby given that the above petition is posted before the Election Tribunal, Vellore, sitting in the District Court Hall, Vellore at 11 A.M. on the 17th day of November 1952. Any other candidate wishing to be added as a respondent to the above petition may apply in writing at any time within fourteen days after the date of publication of this notice. Such a candidate shall give security for costs to the extent of Rs. 1000 under section 119 of the Representation of the People Act 1951.

DISTRICT COURT NORTH ARCOT,  
VELLORE,

Chairman, Election Tribunal, Vellore.

Dated the 13th October, 1952.

M. ANANTANARAYANAN,

IN THE MATTER OF THE REPRESENTATION, OF THE PEOPLE ACT 1951

In the Matter of the Representation of the People Conduct of Election  
and Election Petition Rules 1951.

BEFORE THE ELECTION COMMISSION, NEW DELHI.

Mohan V. Raj—Petitioner.

Versus

M. V. Gangadhara Siva, K. Nanjappa, T. N. Vishwanathreddy and others—  
Respondents.

ELECTION PETITION

Dated the 9th April, 1952

SHRI N. C. N. ACHARYA, Counsel for Petitioner.

P. S. SUBRAMANIAN,  
for Chief Election Commissioner.

